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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named  
Inventor : James K. Klang  
  
Appln. No.: 10/748,792  
Filed : December 30, 2003  
For : APPARATUS AND METHOD FOR  
PREDICTING THE REMAINING  
DISCHARGE TIME OF A BATTERY  
  
Docket No.: C382.12-0143

Group Art Unit: 2838  
Examiner: Robert J.  
Grant

RESPONSE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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19<sup>th</sup> DAY OF AUGUST, 2005

  
PATENT ATTORNEY

Sir:

This is in response to the Office Action dated May 19, 2005. In the Office Action, all pending claims 1-15 were rejected. Applicants respectfully request reconsideration and allowance of all pending claims.

In section 2 of the Office Action, claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bertness, U.S. Patent No. 6,331,762, in view of Sakai et al., U.S. Patent No. 5,905,914.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. §2143.

numerous elements not shown or suggested in the cited references (Bertness and Sakai).

In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 1-15. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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